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**DEC 17 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Enok Tjotta :  
Application No. 10/530,488 : ON PETITION  
Filed: April 6, 2005 :  
Attorney Docket No. 3657-1025 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 3, 2009.

The petition is GRANTED.

This application was held abandoned for failure to timely file an Appeal Brief after a Notice of Appeal had been filed on March 17, 2009. The Office had previously mailed a final Office action on September 17, 2008. In reply, applicant filed a Notice of Appeal, together with a Pre-Appeal Brief Request for Review. The filings were made timely by obtaining a three month extension of time. The Office mailed a Notice of Abandonment on October 28, 2009.

With regards to the Pre-Appeal Brief Request for Review, the Office has stated in the Official Gazette:

Upon receipt of a properly filed request, a Technology Center Art Unit supervisor will designate a panel of examiners experienced in the field of technology to review the applicants's remarks and the examiner's rejections....The panel members will review the rejection(s)

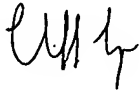
identified by applicant in the request....The Office should mail a decision within 45 days of receipt of a properly filed request.<sup>1</sup>

In view of the above, it is obvious that the Notice of Abandonment was mailed in error.

Accordingly, the holding of abandonment is WITHDRAWN.

The matter is being forwarded to Group Art Unit 1642 for a panel review of the Pre-Appeal Brief Request for Review, filed March 17, 2009.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

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<sup>1</sup> See New Pre-Appeal Brief Conference Pilot Program, 1296 Off. Gaz. Pat. Office 67 (July 12, 2005). On January 10, 2006, the pilot program was extended by the Office, until further notice.